

# Notice of Allowability

Application No.

10/001,479

Examiner

Carlos Lugo

Applicant(s)

VITRY ET AL.

Art Unit

3676

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on July 11, 2005.
2. ☒ The allowed claim(s) is/are 1-10 and 12-22.
3. ☒ The drawings filed on 25 March 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is in response to applicant's amendment filed on July 11, 2005.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with Mr. John Simkanich on July 29, 2005.
4. The application has been amended as follows:
  - Claim 5 Line 4, the phrase "at least a pair of pawls pivotally" has been changed to -wherein said at least one pawl includes at least a pair of pawls pivotally-.
  - Claim 6 Line 2, the phrase "and also including at least one pair of pawls pivotally" has been changed to -and wherein said at least one pawl including at least a pair of pawls pivotally-.
  - Claim 22 Line 8, the phrase "a pawl pivotally" has been changed to -at least one pawl pivotally-
  - Claim 22 Lines 15-17, the phrase "wherein said intercepting means includes a solenoid; and a spring positioned to bias said intercepting means towards said pawl and away from said solenoid" has been changed to -wherein said intercepting means includes a solenoid and a locking member; and a spring

positioned to bias said locking member towards said pawl and away from said solenoid-.

### **Reasons For Allowance**

5. The following is an examiner's statement of reasons for allowance:

Claims 1 and 22 are allowable over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that a spring is positioned inboard of the locking member collar and operates against the solenoid from which the locking member extends to bias the locking member to extend outwardly from the solenoid.

Antonucci '772, as modified by Detweiler, fails to disclose that a spring is positioned inboard of the locking member collar and operates against the solenoid from which the locking member extends to bias the locking member to extend outwardly from the solenoid. Detweiler fails to teach that a spring is positioned inboard of the locking member collar. Detweiler teaches that the solenoid (32) is the one having the spring, not the locking member (30).

Allen (US 3,504,511) discloses a latch assembly comprising an elongated housing (15) having two opposite sidewalls thereto and a hook like shaped member (from where the pawl 30 extends) extending outwardly transversely thereto from an outside of a sidewall; a pawl (30) pivotally attached to the housing; a spring member (36) that biases the pawl to the open position; a locking member (41) and a solenoid (17). However, Allen fails to disclose that the locking member extends from the

solenoid parallel to the longitudinal axis (sliding motion). Allen teaches that the locking member (41) pivots.

Ostdiek (US 6,036,241) teaches that is known in the art to have a spring (130) positioned inboard of a locking member collar (122). However this spring member (130) does not bias the locking member (114) to extend outwardly from the solenoid and the locking member does not intercept the pivotal path of the pawl.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.

Carlos Lugo

AU 3676

July 29, 2005



**BRIAN E. GLESSNER  
PRIMARY EXAMINER**